

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MIGUEL A. GUTIERREZ SANCHEZ.

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Plaintiff,

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V.

No. 3:25-cv-1331-G (BT)

INTERNAL REVENUE SERVICE,

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Defendant.

ORDER

In the Findings, Conclusions, and Recommendation entered on June 10, 2025, United States Magistrate Judge Rebecca Rutherford recommended that the District Judge dismiss this case without prejudice under [Federal Rule of Civil Procedure 41\(b\)](#) unless Plaintiff either paid the \$405.00 filing fee or submitted another application to proceed *in forma pauperis* (IFP) within the time to file objections to the recommendation. See FCR at 2–3 ([ECF No. 8](#)). Plaintiff did file a another IFP motion ([ECF No. 9](#)) on June 17, 2025—as well as an untimely objection to the FCR on July 7, 2025 ([ECF No. 11](#)). Accordingly, Judge Rutherford hereby **VACATES** her Findings, Conclusions, and Recommendation dated June 10, 2024.

The Court further **GRANTS** Plaintiff leave to proceed IFP. The Clerk of the Court will issue summonses and send the summonses, together with copies of the Complaint ([ECF No. 3](#)) and other pleadings and orders to the United States Marshal for service. Summons shall be served on each defendant within 90 days

from the date of this order pursuant to Fed. R. Civ. P. 4(c)(1). After docketing, the Clerk will refer this action to Judge Rutherford for further proceedings and/or findings and recommendation.

As such, the Court **DENIES** Plaintiff's original IFP Motion ([ECF No. 4](#)) as moot.

SO ORDERED.

July 16, 2025.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

**Instructions For Service And
Notice Of Right To Appeal/Object**

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).* In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).